

Serial No. 09/994,644
Response dated December 9, 2005
Reply to Office Action of September 9, 2005

Attorney Docket No. PF02047NA

REMARKS/ARGUMENTS

Claims 1 and 4, 5, 7 through 9, 11 through 17 and 19 through 22 remain in this application. Claims 3, 6, 10 and 18 has been cancelled without prejudice or disclaimer. Claims 1, 9 and 13 have been amended.

Claims 1, 4, 5, 9, 12-17 and 21 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,049,821 to Theriault, et al. ("Theriault, et al. patent"). Claims 7, 8, 11, 19, 20 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Theriault, et al. patent in view of U.S. Patent No. 5,423,034 to Cohen-Levy, et al. ("Cohen-Levy, et al. patent").

Independent claims 1, 9 and 13 are hereby amended to include certain limitations of canceled claims 6, 10 and 18 using clearer language. Claim 1 as amended provides, *inter alia*, forwarding a message corresponding to the file to the consumer of the file when the resources are unavailable, wherein the message indicates that appropriate resources are unavailable and asks the consumer whether file information should be saved or not for later consumption. Claim 9 as amended provides, *inter alia*, receiving a message corresponding to the file when the resources are unavailable, wherein the message is coupled to the display and offers a choice of saving or not saving file information. Claim 13 as amended provides, *inter alia*, forwarding a message corresponding to the file to the communications device when the resources are unavailable, wherein the message indicates that appropriate resources are unavailable and asks whether file information should be saved or not. Thus, when resources are unavailable, a message asks

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whether file information (such as a file or an address for the file) should be saved or not, in other words offers the choice of saving or not saving the file information. An example of this message (403) is shown in FIG. 4.

As stated at page 6, paragraph 13; and page 7, paragraph 16, of the above Action, the Theriault, et al. patent does not describe querying the user about saving the file.

Page 6, paragraph 13; and page 7, paragraph 16 of the above Action further states that the Cohen-Levy, et al. patent teaches asking the consumer whether one of the file and an address for the file should be saved for later consumption and a message that offers a choice of saving one of said file and an address for the file (at col. 15, lines 19 through 30), but Applicants respectfully disagree. The Cohen-Levy, et al. patent, particularly col. 15, lines 19 through 30, describes a save module that requires a user to choose a location for storing a file. First, the Cohen-Levy, et al. patent describes a save module of a hierarchical file structure, whereas claims 1, 9 and 13 provide a message. Second, the Cohen-Levy, et al. patent describes a save module that allows a user to save a file and specify a location for saving the file, whereas claims 1, 9 and 13 provide a message that lets a user choose between saving or not saving the file information. The Cohen-Levy, et al. patent does not describe or suggest a message that offers the choice of saving or not saving the file information, as required by claims 1, 9 and 13. Therefore claims 1, 9 and 13 distinguish patentably from the Theriault, et al. patent, the Cohen-Levy, et al. patent, and any combination of these patents.

Claims 4, 5, 7, 8, 11, 12, 14 through 17 and 19 through 22 depend from and include all limitations of independent claims 1, 9 and 13 as amended. Therefore claims 4, 5, 7, 8, 11, 12, 14

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through 17 and 19 through 22 distinguish patentably from the Theriault, et al. patent, the Cohen-Levy, et al. patent, and any combination of these patents for the reasons stated above for claims 1, 9 and 13.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections of claims 1 and 4, 5, 7 through 9, 11 through 17 and 19 through 22 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

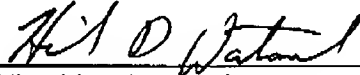
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questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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